



765 Asylum Avenue, 2nd Floor  
Hartford, CT 06105  
860-523-9146  
[www.acluct.org](http://www.acluct.org)

**Written Testimony Opposing House Bill 5335, An Act Requiring Long-Term Care Facilities to Conduct Sex Offender Background Checks on Staff and Residents**

Senator Moore, Representative Abercrombie, Ranking Members Berthel and Case, and distinguished members of the Human Services Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting written testimony opposing House Bill 5335, An Act Requiring Long-Term Care Facilities to Conduct Sex Offender Background Checks on Staff and Residents.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. One of the biggest injustices faced by people living with a criminal record are the myriad of collateral consequences flowing from that criminal record, which persist for years, even lifetimes, after a person finishes the punishment they were sentenced to. Collateral consequences turn any sentence into a life sentence. In Connecticut, people living with a criminal record face over 550 legal barriers to full societal participation.<sup>1</sup> These barriers prevent people from obtaining employment, housing, education, and services. Collateral consequences are not just bad for the people who experience them, they are bad for children, families, and communities as well.

---

<sup>1</sup> National Inventory of Collateral Consequences of Conviction, *available at* [https://niccc.csjusticecenter.org/database/results/?jurisdiction=260&consequence\\_category=&narrow\\_category=&triggering\\_offense\\_category=&consequence\\_type=&duration\\_category=&page\\_number=1](https://niccc.csjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1); see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), *available at* <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

The employment barriers faced by people with criminal records have only worsened during the COVID-19 pandemic. Agencies that help find employment for people with records report that, compared to 2019, only half as many job seekers were able to find placements.<sup>2</sup> People living with criminal records are less likely to have access to unemployment insurance, sick leave, health insurance, and rainy-day savings to weather the health crisis.<sup>3</sup> Experts estimate that as jobs continue to return as the height of the COVID-19 pandemic wanes, people with criminal records will likely be the last to see their unemployment rates lower.<sup>4</sup> At the same time, there is a critical staff shortage in the health care and residential care industry due to COVID-19.<sup>5</sup>

Connecticut is making strides toward eliminating collateral consequences of criminal records, but to achieve this goal, the state cannot continue to impose new collateral consequences on people trying to live out the last years of their lives in long-term care facilities. Unfortunately, this is exactly the effect of legislation that requires needless background checks or that erects unnecessary barriers for people living with criminal records. By mandating sex offender background checks, this bill creates another collateral consequence. Protecting residents in long term care facilities is important, but mandatory background checks will limit the ability of people living with criminal records to get the end-of-life residential care they need. The ACLU-CT recommends that the Committee consider a balancing test like the one in Section 46a-80, which follows an individualized approach and considers whether there is a substantial nexus between the type of job and the crime committed, evidence of rehabilitation,

---

<sup>2</sup> Charisse Jones, *You Just Want To . . . Have a Chance: Ex-Offenders Struggle to Find Jobs Amid COVID-19*, USA TODAY (Feb. 3, 2021), available at <https://www.usatoday.com/story/money/2021/02/03/unemployment-ex-offenders-among-many-struggling-find-work/6656724002/>.

<sup>3</sup> Rebecca Vallas & Sharon Dietrich, *A Clean Slate in the Age of Coronavirus*, Newsday (May 25, 2020), available at <https://www.newsday.com/opinion/coronavirus/prisoners-clean-slate-coronavirus-covid-19-1.44824963/>.

<sup>4</sup> Akua Amaning, *Advancing Clean Slate: The Need for Automatic Record Clearance During the Coronavirus Pandemic*, CTR. FOR AM. PROGRESS (June 25, 2020), available at <https://www.americanprogress.org/issues/criminal-justice/news/2020/06/25/486857/advancing-clean-slate-need-automatic-record-clearance-coronavirus-pandemic/>.

<sup>5</sup> Rhitu Chatterjee, *There's a Critical Shortage of Nursing Home Staff*, NPR (Feb. 2, 2022 at 8:04AM), available at <https://www.ctpublic.org/2022-02-06/theres-a-critical-shortage-of-nursing-home-staff>.

and the amount of time since the conviction. This acknowledges that the longer ago a person violated the law, the less likely that fact is to their ability to peacefully reside in a long-term care facility.

The ACLU-CT opposes legislation that add to the labyrinth of collateral consequences that people living with a criminal record face every day in this state. Unless amended, House Bill 5335 will add another collateral consequence to the bucket. As such, we encourage the Committee to oppose House Bill 5335 unless it is amended to consider the individualized approach discussed in this testimony.